



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT

WEDNESDAY, AUGUST 27, 2014

Members present: Fran L'Heureux, Patrick Dwyer, Phil Straight, Tony Pellegrino, and Alternates Leonard Worster and Richard Conescu.

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

1. Call to Order.

Fran L'Heureux called the meeting to order at 7:00 p.m.

2. Roll Call.

Phil Straight led the pledge of allegiance, Fran L'Heureux swore in members of the public who would be testifying, and Richard Conescu read the preamble.

- 3. Convenient MD Urgent Care (petitioner) and KJB Ventures, LLC. (owner)** – Variance under Section 17.10.4(a) of the Zoning Ordinance to allow a 172.7 sf. wall sign whereas 134.50 sf. is permitted. The parcel is located at 4 Dobson Way in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 3D, Lot 003-03. Case # 2014-32. *This item is continued from the July 30, 2014 Zoning Board meeting.*

Applicant was represented by: Tim Sullivan, Barlo Signs; and Max Puyanik, Convenient MD Urgent Care.

There was no public comment.

The Board voted 3-2-0 to grant the Variance, on a motion by Patrick Dwyer and seconded by Richard Conescu. Phil Straight and Tony Pellegrino voted in the negative.

- 4. Shawn Pacheco Professional Martial Arts Academy (petitioner) and G&G Scully, LLC. (owner)** – Special Exception under Section 2.02.3(C)(1) of the Zoning Ordinance to allow a commercial recreational use in the C-2 (General Commercial), PRD, Elderly and Aquifer Conservation Districts. The parcel is located at 370 D.W. Hwy. Tax Map 4D-3, Lot 001-01. Case # 2014-33. *This item is continued from the July 30, 2014 Zoning Board meeting.*

Applicant was represented by: Shawn Pacheco, 370 D.W. Highway.

There was no public comment.

The Board voted 5-0-0 to grant the Special Exception, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

- 5. Jesse Fraser (petitioner/owner), Bluebird Enterprises** – Variance under Section 2.02.1(A) of the Zoning Ordinance to allow a personal service (critter control) business in the R (Residential) and Aquifer Conservation Districts located at 144 Wire Road. Tax Map 7C, Lot 019. Case # 2014-34.

Applicant was represented by: Jesse Fraser, 144 Wire Road.

Public comment was received from: Paul Pelsinski, 132 Wire Road.

The Board voted 4-1-0 to grant the Variance, with conditions, on a motion made by Patrick Dwyer and seconded by Richard Conescu. Fran L'Heureux voted in the negative.

- 6. Wayne Doyle (petitioner), Payless Used Car Sales and Frank Twardosky (owner) –**
Variance under Section 2.02.4(B) of the Zoning Ordinance to allow a used car sales in the I-1 (Industrial) and Aquifer Conservation Districts located at 759 D.W. Highway. Tax Map 7E, Lot 042-01. Case # 2014-35.

Leonard Worster recused himself from discussing this item.

The Board voted 5-0-0 to postpone this item to September 17, 2014, in the Matthew Thornton Meeting Room, at 7:00 p.m., on a motion made by Phil Straight and seconded by Patrick Dwyer.

- 7. Ken Clinton, Meridian Land Services, Inc. (petitioner) and Robert & Susan Lavoie (owners) –**
Equitable Waiver of Dimensional Requirements under Section 2.02.7.7(b) of the Zoning Ordinance to permit existing improvements (retaining wall, paved driveway and propane tank) located within the 25' wetlands buffer to remain on a parcel located at 11 Briann Drive in the R (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 144-05. Case # 2014-36.

Leonard Worster recused himself from discussing this item.

Applicant was represented by: Ken Clinton, President, Meridian Land Services.

There was no public comment.

The Board voted 5-0-0 to grant the Equitable Waiver, on a motion made by Patrick Dwyer and seconded by Tony Pellegrino.

Leonard Worster returned to the Board.

- 8. Annual Election of Officers and Review of By-Laws.**

The Board voted 4-0-1 to elect Fran L'Heureux as Chair of the ZBA, on a motion made by Tony Pellegrino and seconded by Phil Straight. Fran L'Heureux abstained.

The Board voted 4-0-1 to elect Phil Straight as Vice Chair of the ZBA, on a motion made by Tony Pellegrino and seconded by Fran L'Heureux. Phil Straight abstained.

The Board did not make any By-Laws changes.

- 9. Discussion/possible action regarding other items of concern.**

Discussion only.

- 10. Approval of Minutes – July 30, 2014.**

The minutes of July 30, 2014, were approved, with one change, by a vote of 4-0-1, on a motion made by Richard Conescu and seconded by Tony Pellegrino.

- 11. Adjourn.**

The meeting adjourned at 8:50 p.m., by a vote of 5-0-0, on a motion made by Tony Pellegrino and seconded by Patrick Dwyer.